IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 335 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

VAIBHAV CORPORATION

Versus

P K PLASTICS P. LTD.

Appearance:

MR JAYANT PATEL for Petitioner No. 1-2

MR SB VAKIL for Respondent No. 1, 4,8 & 9

CORAM : MR.JUSTICE J.R.VORA

Date of decision: 01/08/2001

ORAL JUDGEMENT

1. This Appeal From Order is filed by the appellants against the order passed by the City Civil Court, Ahmedabad, in Civil Suit No.1318 of 1999 below Application Exh. 6 and Notice of Motion. The order

impugned is dated 4th September, 2000. The Notice of Motion was filed under Order 38 Rule 5 of the C.P.C. which came to be rejected by Auxiliary Chamber Judge of City Civil court on 4th day of September, 2000. The appellants have also filed a Civil Application No. 8128 of 2000 for interim order for attachment of properties.

2. Learned Advocate Mr. Jayant Patel for the Appellants and learned Advocate Mr. S.B. Vakil for respondents No. 1, 4, 8 and 9 were heard. Both the learned Advocates have agreed to hear the matter finally. In the facts and circumstances of the case, this Appeal is required to be disposed of finally at this stage as under without entering into merits of the matter.

3. It appears that to come to a conclusion, evidence is required to be recorded by City Civil Court in the above said Civil Suit No. 1318 of 1999 and, therefore, in the interest of justice, the Trial Court is required to be directed to expedite the hearing and disposal of Summary Civil Suit No. 1318 of 1999. Therefore, in this view of the matter, the Trial Court is directed as under :

" Trial Court is directed to hear and dispose of Summary Civil Suit No.1318 of 1999 pending before it according to law as expeditiously as possible but not later than six months from the date of receipt of the writ of this Court or on producing the certified copy of this order by any of the parties, whichever is earlier. Parties shall cooperate with the court in expeditious disposal of the above said suit. Learned Trial Court is further directed not to be influenced by the order passed below Notice of Motion by the Trial Court on 04.09.2000 or by the present order passed by this Court, while deciding the Summary Civil Suit No. 1318 of 1999 finally."

3. With this order, this Appeal stands disposed of as rejected. No order as to costs.

4. This also disposes of the Civil Application No. 8128 of 2000. Notice is discharged. No order as to costs.

(J.R. Vora, J.)

p.n.nair